

II. Remarks

Claims 1-43 of the present application are pending. Claims 41-43 are withdrawn from consideration. Moreover, claims 1-40 are rejected. Applicants sincerely thank Examiner Lang and Examiner Houston for the personal case interview conducted on July 10, 2008. Applicants intend that the discussion of the claims and rejections will result in an early resolution of the issues. Based on discussions during the case interview, claims 1, 3, 8-18, 20, and 22-40 have been amended, claims 2, 4-7, 19, and 21 have been cancelled, and new claim 44 has been added. By the amendments and remarks provided herewith, Applicants respectfully request reconsideration and withdrawal of all rejections. Support for the above amendments is found in Applicants' specification as originally filed.

More specifically, claims 1, 40, and 44 have been amended to more clearly define the locking mechanism as separate from the stent and the filter and including separate stent attachment means and filter attachments means. Support for the above amendments may be found in Figs. 3, 4, 6, 9-14 and paragraphs [0040], [0042], [0045], [0051], [0054]-[0064] of the Applicants' specification as originally filed. Thus, no new matter has been added.

In the Drawings

Responsive the Examiner's objection to the drawings for failure to show every feature of the invention specified in the claims, Applicants have cancelled claim 19 directed to a z-stent. Thus, the Examiner's objection to the drawings is now moot.

Claim Rejections Under 35 U.S.C. § 112, para. 1

Responsive to the rejection of claim 21 under 35 U.S.C. § 112, first paragraph, for failure to sufficiently describe the subject matter recited in claim 21, Applicants have cancelled claim 21 directed to a stent that is balloon expandable. Thus, the Examiner's rejection of claim 21 is now moot.

Claim Rejections Under 35 U.S.C. § 102

Responsive to the rejections of claims 1-6, 8-16, 19, 20, 24-26, and 30-36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2002/0116024 to Goldberg et al. ("*Goldberg*"), *Goldberg* fails to teach each and every element as set forth in the invention as claimed in each of independent claims 1, 40, and 44. For example, claims 1, 40, and 44 recite that the locking mechanism is "separate from the stent and the filter" and comprises a "stent attachment means and a filter attachment means separate from the stent attachment means." Further, new claim 44 recites that the stent comprises "a frame including a closed circumference, the frame having a plurality of sides interconnected by a series of bends, each bend including a coil."

Contrarily, *Goldberg* does not teach a locking mechanism that is separate from the stent and the filter. Rather, the locking mechanism in *Goldberg* is integral with the filter and the stent, the tethers (14a-c) of the filter (10) forming stent attachment means and the hinges (124) of the stent (100) forming filter attachment means. Moreover, *Goldberg* does not teach a stent comprising a frame having a closed circumference and a plurality of sides interconnected by a series of coil bends. Accordingly, *Goldberg* fails to teach each and every element of the present invention as claimed in currently amended claims 1, 40, and 44.

Claims 3, 8-16, 20, 24-26, and 30-36 depend generally from claim 1. Thus, claims 3, 8-16, 20, 24-26, and 30-36 are allowable for at least the reasons provided above.

Claim Rejections Under 35 U.S.C. § 103

Responsive to the rejections of claims 16-18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Goldberg*, claims 16-18 depend from claim 1 and claim 21 has been cancelled. Thus, claims 16-18 are allowable for at least the reasons provided above with respect to claim 1.

Responsive to the rejections of claims 2, 5-7, 22-24, 27-29, and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over *Goldberg* in view of U.S. Pat. No. 6,342,063 to DeVries et al. ("*DeVries*"), the combination of these references fails to render these claims unpatentable because these references, even in combination, fail to teach each and every element of the claimed invention. For example, claims 1, 40, and 44 recite that the locking mechanism is "separate from the stent and the filter" and comprises a "stent attachment means and a filter attachment means separate from the stent attachment means."

Contrarily, as provided above, *Goldberg* teaches a locking mechanism formed integrally with the filter and the stent and thus *Goldberg* fails to teach a locking mechanism separate from the stent and the filter. Moreover, as provided above, *Goldberg* does not teach a stent having a closed circumference and a plurality of sides interconnected by a series of coil bends as recited in claim 44. Accordingly, *Goldberg* does not teach or suggest each and every element of the claimed invention. Moreover, *DeVries* fails to cure the deficiencies of *Goldberg* as *DeVries* teaches a one-part locking mechanism which does not comprise separate filter and

stent attachment means. Thus, the combination of these references fails to teach or suggest each and every element of the invention as claimed in independent claims 1, 40, and 44.

Claims 22-24, 27-29, and 37-39 depend generally from claim 1. Thus, claims 22-24, 27-29, and 37-39 are allowable for at least the reasons provided above.

Conclusion

Thus, the Applicants believe that claims 1, 3, 8-18, 20, 22-40, and 44 are in a condition for allowance and such action is respectfully requested.

Respectfully submitted,

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Date

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